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Adoption of the agenda and other organizational matters

Letter dated 30 June 2005 from the Director-General of the International Labour Organization addressed to the Secretary-General

Further to my letter dated 21 April 2005, I have the honour to draw your attention to the conclusions of the Special Sitting of the Committee on the Application of Standards of the International Labour Conference concerning the observance by the Government of Myanmar of the Forced Labour Convention, 1930 (No. 29). These conclusions, which were endorsed by the International Labour Conference on 16 June 2005, are enclosed herewith (see annex).

I would note in particular the Conference's conclusions that the Economic and Social Council should be requested to reactivate its consideration of the matter which was placed before it in 2001. Accordingly, I would be most grateful for your interest in giving effect to the request of the International Labour Conference. My original letter of 9 March 2001 to the President of the Council requesting that this item be placed on the Council's agenda in the appropriate manner was issued in S/2001/48, annex.

As I noted in my letter to you of 21 April 2005, a full report on relevant action taken by the Organization's constituents, as well as by international organizations, will be prepared for the November session of the Governing Body. Any information relating to action taken on the present request will of course be reflected in that report.

I wish to thank you in advance for your cooperation in this important matter.

(*Signed*) Juan **Somavia**

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Annex to the letter dated 30 June 2005 from the Director-General of the International Labour Organization addressed to the Secretary-General

292nd session of the Governing Body of the International Labour Office (March 2005)

Developments concerning the question of the observance by the Government of Myanmar of the Forced Labour Convention, 1930 (No. 29)

Conclusions

1. The easiest and most pleasant part of my task is to convey on our joint behalf our sincere gratitude to the members of the very High-Level Team (vHLT) for having accepted a very difficult assignment and for their dedication in discharging it scrupulously, both in letter and in spirit. Now comes a much more painful and difficult task, and I am indebted to my colleagues the officers for having given me their support and advice.

2. In drawing the conclusions of the present debate it is important to recall the conclusions reached by the Governing Body at its previous session, which set the parameters for our present consideration of the matter. Following recent leadership changes, the main preoccupation of the Governing Body in establishing the vHLT was to have an objective basis to evaluate the attitude and the real will of the authorities at the highest level, and their determination to continue their effective cooperation on the outstanding issues; this evaluation would then enable the Governing Body to draw the appropriate consequences in full knowledge of the facts, including as regards action under article 33.

3. In that framework, after hearing the message from Ambassador Nyunt Maung Shein, we have had a broad debate.

4. The most largely shared sentiment was one of condemnation over the failure of the highest authorities to take advantage of the unique opportunity that the visit of the vHLT represented to resume a credible dialogue on the issues of concern, and also the feelings of grave concern over the general situation that this reveals.

5. Indeed, the Prime Minister's indications to the members of the vHLT, as well as the comments of the Ambassador, allege that the necessary political will exists. However, the attitude towards the vHLT, along with the press conference held in Yangon on 15 March and even some of the remarks made this morning by the Ambassador of Myanmar, casts into grave doubt the credibility of this message and the usefulness of the ILO approach.

6. Apart from the assurances and indications, there are the facts. Some of them seem to a number of us to go in the right direction, in particular the prosecutions and punishment of authorities responsible for having recourse to forced labour and the establishment of a focal point in the army on the initiative of the Vice-Senior General.

7. But in the circumstances the overall assessment falls far short of our expectations. And this is the reason why, according to the Workers' proposal, joined by certain Governments, the Governing Body has no choice but to ask the Office to take a certain number of formal steps to strengthen the measures under the resolution of June 2000, but also at the same time to strengthen the Liaison Office.

8. Other Government members and the Employers, while sharing the same sense of condemnation of the actions of the authorities, were, in view of the closeness of the International Labour Conference starting 31 May, inclined to test, for the last time, the true will of the authorities to cooperate with ILO, before resuming the examination of these measures and taking a decision on them. Other Governments limited themselves to calling for an urgent restarting of an effective and meaningful dialogue, without reference to specific measures.

9. In the treatment of this particularly difficult case, the solidarity of all the groups has always given strength to the position of ILO. It is the view of my colleagues and myself that this strength should be maintained. Three considerations may help us.

(a) First, the question is not strictly speaking for us to adopt new measures under article 33. These measures have already been taken under the resolution adopted by the Conference in 2000, which is binding on the Governing Body and the other organs of ILO as long as it has not been modified. These measures clearly remain in force with regard to all constituents and others to whom the resolution is addressed;

(b) The next question is whether it is time for members to resume their consideration of the action which they have been and still are called upon to take under the resolution of June 2000. This question arises because most of them have suspended their action since the beginning of 2001 as a result of the progress which seemed to be under way at the time, and which resulted in certain concrete developments, in particular through the ILO presence. At this stage, and on the basis of the information at our disposal, the growing feeling is that the "wait-and-see" attitude that prevailed among most members, following the initiation of meaningful dialogue since 2001, appears to have lost its raison d'être and cannot continue;

(c) A third consideration is that under the resolution ILO cannot prejudge the action which each individual member may find it appropriate to take as a result of their review; the only thing which is expected of all of them is to report at suitable intervals to explain what they have done and why.

10. At the same time it is clear that ILO is not closing the door to the resumption of a positive dialogue with the Myanmar authorities in line with the views wisely expressed by the vHLT and a large number of those who took the floor during the debate; it is clear in particular that the existence of such dialogue and the concrete results it could produce should be taken objectively into account by members when deciding the outcome of their review. The extent to which progress will be achieved with regard to the strengthening of the ILO presence as well as the other items covered by the vHLT's aide-memoire, including the immediate release of Shwe Mahn, should be a concrete test in this regard.

11. In the light of these considerations, the measure that myself and my colleagues think the Governing Body could unanimously agree on taking is to transmit to all those to whom the 2000 resolution was addressed — including relevant agencies —

the results of our deliberations reflected in the present conclusions, with a view to them taking the appropriate action resulting from the above considerations.

12. The officers of the Governing Body are mandated to closely follow any developments. These developments will be the subject of a document before the Committee on the Application of Standards of the International Labour Conference in June.